

REMARKS

Applicants have received an Office Action dated April 9, 2003 (Paper No. 4), which contains a requirement to restrict the present application to one of nine species.

In response to the election of species requirement, Applicants provisionally elect Species (7), identified by the Office Action as being drawn to the specifics of the device and the process being comprised of a surface optical device apparatus wherein an optical fiber with a concave end face and a thick resist layer with a two-step guide hole are used comprising a seventh embodiment which corresponds to Figure 14. Applicants submit that Claims 1 to 5, 7 to 14, 17, 19 to 29, 31, 33 to 37 and 42 to 44 read on Species (7).

Newly-added Claim 44 is believed to be generic to Species (1) to (9). Accordingly, once Claim 44 receives an indication of allowability, Applicants submit that they are entitled to the allowance of all of the claims drawn to species in addition to the elected species which include all the limitations of Claim 44. See MPEP § 806.04(d).

The election of species requirement is traversed on the grounds that there are not so many species alleged by the Examiner to warrant an election. In particular, it is Applicants' right to present claims to a "reasonable" number of species, as "reasonable" is used in 37 C.F.R. § 1.141(a). Here, the nine species identified by the Examiner are believed to fall within the realm of "reasonable" in light of the otherwise common features of the species.

In view of the foregoing, reconsideration and withdrawal of the requirement for election are respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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